

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MARY B. SMITH, )  
Plaintiff )  
 )  
 )  
 )  
vs. ) CIVIL ACTION NO.: 04 CV 10632 MEL  
 )  
DAVID C. NICHOLSON, TRUSTEE )  
OF THE D.J.J. REALTY TRUST, )  
DOMINIC M. SAWICKI, )  
TRUSTEE OF THE DOMINIC M. )  
SAWICKI NOMINEE TRUST, )  
AND CAROL ANN WHITNEY )  
AND GLENN WHITNEY, )  
Defendants )

**DEFENDANTS, DAVID C. NICHOLSON, TRUSTEE OF THE D.J.J. REALTY TRUST,  
DOMINIC M. SAWICKI, TRUSTEE OF THE DOMINIC M. SAWICKI NOMINEE  
TRUST, CAROL ANN WHITNEY AND GLENN WHITNEY'S  
JOINT MOTION FOR SUMMARY JUDGMENT - EXHIBIT LIST**

Now comes the defendants, DAVID C. NICHOLSON, TRUSTEE OF THE D.J.J. REALTY TRUST, DOMINIC M. SAWICKI, TRUSTEE OF THE DOMINIC M. SAWICKI NOMINEE TRUST, CAROL ANN WHITNEY AND GLENN WHITNEY, (hereinafter "Defendants"), and submit the following list of Exhibits in support of their Joint Motion for Summary Judgment.

1. Deposition of the Plaintiff, Mary Smith, dated May 11, 2005.
2. Deposition of Debra M. Seith, taken October 14, 2005.
3. Deposition of Kent L. Seith, taken October 14, 2005.
4. Plaintiff's Answers to Nicholson's Interrogatories, dated December 1, 2004.
5. *Oliveri v MBTA*, 363 Mass. 165, 292 N.E.2d 863, (1973).
6. *O'Sullivan v. Shaw*, 431 Mass. 202, 726 N.E.2d 951 (2000).

7. *Wardell v. George H. Taylor, Co.*, 333 Mass. 302, 130 N.E.2d 586 (1955).
8. *Camerlin v. Marshall*, 411 Mass. 394, 582 N.E.2d 539 (1991).
9. *Webster v. Blue Ship Tea Room, Inc.*, 347 Mass. 421, 198 N.E.2d 309 (1964).
10. *Thorell v. ADAP, Inc.*, 58 Mass.App.Ct. 334 (2003).
11. *Balicki v. Stop & Shop Supermarket Co.*, 1998 Mass. App. Div. 77, 1998 WL 201430 (Mass. App. Div. 1998)

Dated: January 30, 2007

The Defendants  
By their attorneys,

**DEFENDANTS, CAROL ANN AND GLENN WHITNEY**

*/s/ Bruce R. Fox*

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**DEFENDANT, DAVID C. NICHOLSON, TRUSTEE OF THE D.J.J. REALTY TRUST**

*/s/ Stephen M.A. Woodworth*

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**DEFENDANT, DOMINIC M. SAWICKI, TRUSTEE OF THE DOMINIC M. SAWICKI  
NOMINEE TRUST**

/s/ *Robert A. Curley, Jr.*

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

*/s/ Bruce R. Fox*

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Bruce R. Fox

Dated: January 30, 2007

*/s/ Bruce R. Fox*

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Bruce R. Fox, Esquire